

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 ANTHONY B. TILLMAN, No. C 11-01087 CW (PR)  
4 Petitioner, ORDER DISMISSING ACTION AS  
5 v. DUPLICATIVE  
6 BOARD OF PRISON TERMS,  
7 Respondent.  
8 \_\_\_\_\_/

9 This case was opened when Plaintiff, a state prisoner, filed a  
10 complaint on the Court's civil rights form. The Clerk of the Court  
11 sent him a notice that he had failed to pay the \$350.00 filing fee  
12 or apply for leave to proceed in forma pauperis (IFP). Plaintiff  
13 thereafter filed an application to proceed IFP.

14 Although Plaintiff submitted his claims on a civil rights  
15 form, it is apparent that he intended to file a petition for a writ  
16 of habeas corpus because he challenges the length of his sentence.  
17 Accordingly, the Clerk of the Court shall reclassify this case on  
18 the docket as a habeas action. The filing fee will be \$5.00.

19 Petitioner has a pending habeas action with this Court raising  
20 the same claims as in the instant action. See Case No. C 11-1086  
21 CW (PR). Accordingly, the instant action is dismissed as  
22 duplicative of Case No. C 11-1086 CW (PR). Petitioner's  
23 application to proceed in forma pauperis is GRANTED. The Clerk of  
24 the Court shall terminate all pending motions and close the file.

25 This Order terminates Docket no. 4.

26 IT IS SO ORDERED.

27 Dated: 4/18/2011

  
28 CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY B TILLMAN,

Plaintiff,

Case Number: CV11-01087 CW

V.

**BOARD OF PRISON et al.**

Defendant.

## **CERTIFICATE OF SERVICE**

7                   BOARD OF PRISON et al,  
8                   Defendant.  
\_\_\_\_\_

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on April 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
receiptacle located in the Clerk's office.

15      Anthony B. Tillman C0-8892  
2-A3-27L  
16      Folsom State Prison  
P.O. Box 71  
17      Represa, CA 95671

18 | Dated: April 18, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk